

REMARKS

While the applicant awaits the New Action required as requested, the withdrawal of prior rejections is acknowledged appreciatively.

The continued objection to the specification and claims 15 & 21, with corresponding new rejection of new claims 22, for "melt processible" is traversed with -- meltingly extruded --.

The maintained opinion that the invention as claimed is anticipated by Stanley (US 4640313) is, if we have understood right, based on two points:

1. When looking at the tubular product there is no distinction whether the foamed layer and the innermost layer are extruded simultaneously or sequentially against the base layer; and
2. Because Stanley is teaching to use cross-lined polyethylene is the foamed layer, Stanley is teaching to use an adhesion plastic in said foamed layer.

Point 1 is, in our opinion, erroneous. It considers only the material or manifestation of the layers in the tubular product, and the order of the layers in the tubular product. It does not pay any attention how adjacent layers are fastened or attached to each other. This is a fundamental detail of tubular multilayered products. If you extrude the foamed layer and the innermost layer simultaneously, as in the invention, said layers are bound to each other much more firmly compared to similar layers extruded sequentially. This firm bonding is present in the finished tubular product giving outstanding mechanical properties to the product. The

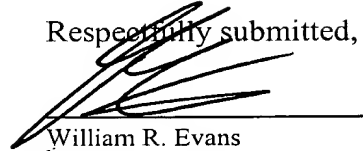
Examiner cannot find any grounds for stating that there is no distinction whether the foamed layer and the innermost layer are extruded simultaneously or sequentially against the base layer.

It should also be noted that Stanley is not teaching any extruding against the base layer, but instead, his foam layer is just pushed against the base layer with means of expansion of said foam layer so that "the expanded foam layer lies against the inside wall of the pipe", see column 5, lines 61-63. Therefore, all that Stanley teaches is that there is no bonding between the base layer and the foam layer. Furthermore, inside of the pipe that Stanley is lining there is always present water or other material that effectively prevents any bindings between the pipe and the foam layer. Instead, in the current invention, hot adhesive plastic (foam layer) bonds to the base layer firmly. This bonding is also present in the finished tubular product, i.e. it is one feature of the tubular product according to the invention.

Point 2, is in our opinion, also erroneous. In some cases you can state that you are able to enhance adhesion properties of a polymer material by cross-linking, but then it is a question of "in situ" cross-linking process where the polymer material and material to which the polymer material is to be adhered are both present, i.e. adhesion of those two materials takes place during cross-linking. If cross-linking of the polymer material takes place before its contact with the other material (as Stanley teaches), the adhesion ability of the polymer material is actually poorer than without cross-linking. The reason for this is that the cross-links make the polymer material more inert or inactive than the same material without cross-links. If the Examiner does not accept this, our opinion is that he has to show a document verifying his statement. See, 37 CFR 1.104(d)(2).

Reconsideration and allowance are, therefore, requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William R. Evans', is written over a horizontal line.

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